

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11193-NG

SHAWN DRUMGOLD, )  
                          )  
Plaintiff            )  
                          )  
vs.                    )  
                          )  
CITY OF BOSTON, ET AL., )  
                          )  
Defendants            )  
                          )  
\_\_\_\_\_ )

**DEFENDANTS' MOTION FOR SANCTION OR INSTRUCTION  
BASED ON PLAINTIFF'S SPOLIATION OF EVIDENCE**

Defendants move this Honorable Court for relief, in the form of an instruction to the jury that they may take an adverse inference against Drumgold, because the Plaintiff has failed to produce and/or has destroyed certain evidence which is relevant to this case.

Further support for this Motion is provided in the accompanying Memorandum of Law.

TIMOTHY CALLAHAN

By his attorney,

\_\_\_\_/s/ Mary Jo Harris \_\_\_\_\_  
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THE CITY OF BOSTON

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Respectfully submitted,

RICHARD WALSH,

By his attorney,

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PAUL MURPHY

\_\_\_\_/s/ William M. White \_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2007 I served a copy of Defendants' Motion to Compel upon the following counsel of record by filing with the ECF/Pacer Case Management System:

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\_\_\_\_\_  
/s/ Mary Jo Harris \_\_\_\_\_